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Express Mail No. EV336653373US
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tomas R. Szabo et al.
Application No. : 10/020,867
Filed : December 14, 2001
For : COBALT-PORPHYRIN COMPLEXES AND USE THEREOF AS
AN ANTI-OBESITY AGENT

Examiner : Richard L. Raymond
Art Unit : 1624
Docket No. : 660088.415
Date : January 26, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement mailed August 26, 2003, please extend the period of time for response four (4) months, to expire on January 26, 2004. Enclosed are a Petition for an Extension of Time and the requisite fee.

The Examiner has entered a two-way Restriction Requirement; namely, Group I – claims 1-23 (part), 24-30, 31-55 (part), and 56-62 drawn to ligand-containing porphyrins, and Group II – claims 1-23 (part), and 31-55 (part) drawn to non-ligand-containing porphyrins. Applicants note that the Restriction Requirement indicates that Group I corresponds to claims 1-23 (part), 24, 30, 31-55 (part), and 56-62, however, Applicants assume that the Examiner intended to indicate that Group I also corresponds to claims 25-29, as such claims are also drawn to ligand-containing porphyrins.

In view of the foregoing, Applicants hereby elect, without traverse, the Group I claims for examination at the time. In addition, for purpose of initial examination only, Applicants hereby elect the species of compound (1-6) (*see* Example 1, pages 18-20), wherein, R_1 and R_2 are both $-(CH_2)_2C(=O)OCH(CH_3)_2$, R_3 and R_4 are both $-CH_2CH_3$, and L_1 and L_2 are both glycinate.

Claims 1 and 32 are generic to this species, while claims 2, 10, 15-16, 21, 23-26, 31, 33-34, 42, 47-48, 53 and 55-58 read thereon. In view of the above, consideration and allowance of the pending claims is respectfully requested.

Respectfully submitted,

Tomas R. Szabo et al.

Seed Intellectual Property Law Group PLLC



Emily W. Wagner

Registration No. 50,922

EWW:cew

Enclosure:

Postcard

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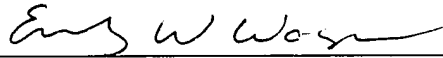
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CHANGE IN STATUS OF LARGE ENTITY

Commissioner for Patents:

The status of the above-identified invention has changed to a small entity.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC



Emily W. Wagner
Registration No. 50,922

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1624/10

TRANSMITTAL FORM

(To be used for all correspondence
after initial filing)

Application Number	10/020,867
Filing Date	December 14, 2001
First Named Inventor	Tomas R. Szabo
Art Unit	1624
Examiner Name	Richard L. Raymond
Attorney Docket No.	660088.415

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ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response to RR <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <u>Change in Status of Large Entity</u> _____ _____ _____
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Emily W. Wagner Registration No. 50,922	Customer Number 00500
Signature		
Date	January 26, 2004	

VIA EXPRESS MAIL

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1419449

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.TOTAL AMOUNT OF PAYMENT (\$) **740.00**

Complete if Known

Application Number **10/020,867**Filing Date **December 14, 2001**First Named Inventor **Tomas R. Szab**Examiner Name **Richard L. Raymond**Art Unit **1624**Attorney Docket No. **660088.415**

METHOD OF PAYMENT

☒ Payment Enclosed:☒ Check ☐ Credit card ☐ Money Order ☐ Other☐ Deposit Account:Deposit
Account
Number**19-1090**Deposit
Account
Name**Seed Intellectual Property Law Group
PLLC**

The Director is authorized to (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any deficiencies

to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	<input type="text"/>	<input type="text"/>
Multiple Dependent	<input type="text"/>	<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1480	2254	740	Extension for reply within fourth month	740
1255	2010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1330	2453	665	Petition to revive - unintentional	
1501	1330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 740

SUBMITTED BY

Name (Print/Type) **Emily W. Wagner**Registration No. **50,922**Date **January 26, 2004**

Customer Number

00500

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.